

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: October 15, 2004

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated September 21, 2004. If you would like additional information, please let me know.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

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Part I

Investigations Completed

Cases Scheduled For Hearing:

Scheduled for Full Enforcement Hearing:

Jefferson County Republican Central Committee--Case #04-288; Investigator: Sally Parker

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from William Biery alleging that the Jefferson County Republican Central Committee sponsored political advertising that contained a false statement of material fact about Mark Rose, a candidate for Jefferson County Commissioner. An enforcement hearing has been scheduled before the Full Commission on October 26, 2004.

Disposition: Pending

More Cops Now & Ed Troyer, Treasurer --Case #04-423; Investigator: Sally Parker

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080, .090, .105 & .3691

Status: Investigation Complete

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that More Cops Now committee, a political committee formed to support a local ballot proposition in Pierce County: (1) failed to include on its committee registration form (PDC form C-1pc) an address or time for public inspection of its campaign books and records during the eight days before the election and failed to file its post election C-4 report of contribution and expenditure activities; (2) accepted a contribution in excess of \$5,000 within 21 days of the general election, and failed to file a last minute contribution report for such contribution; and (3) failed to file its contribution and expenditure reports electronically. An enforcement hearing has been scheduled before the Full Commission on October 26, 2004.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Report to Commission:

Washington State Labor Council (45-Day Letter)--#05-067--Investigator: Susan Harris

Date Received: September 3, 2004

Date Started: September 3, 2004

Section of Law: RCW 42.17.040, .80, .090, .100, .730 & 760

Status: Investigation Complete

Summary: A 45-day citizens action letter was received from Jami Lund with the Evergreen Freedom Foundation, alleging that the Washington State Labor Council (WSLC), its Executive Board and the Political Director: 1) failed to report independent expenditures for communications with non-members; 2) that WSLC as an organization failed to register and report as a political committee as an organization for contributions made by the organization to support or oppose candidates and ballot issues as one of WSLC's primary purposes; 3) exceeded contribution limits by creating an illegal PAC (SIC PAC) that contributed to same candidates as WSLC and its PAC; 4) gave unreported earmarked contributions to SICPAC; and 5) used agency shop fees to affect election. This matter will be presented to the Commission at its October 26, 2004 Commission meeting, as a report to the Commission.

Disposition: Pending

Scheduled for Brief Enforcement Hearing:

Supporting Intelligent Candidates Political Action Committee (SIC-PAC) (45-Day Letter) -- #05-073--Investigator: Susan Harris

Date Received: September 3, 2004

Date Started: September 3, 2004

Section of Law: RCW 42.17.080, .090, .640 & .660

Status: Investigation Complete

Summary: A 45-day citizens action letter was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Supporting Intelligent Candidates Political Action Committee: (1) exceeded contribution limits because it was

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created by the Washington State Labor Council and contributed to the same candidates as WSLC and its PAC; and (2) exceeded the limits of the Abbreviated Reporting Option for the years 1999 and 2000. A brief enforcement hearing has been scheduled for October 26, 2004.
Disposition: Pending

Cases Closed

No cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

Full Enforcement Hearings: None.

Brief Enforcement Hearings: For the results of “Group Enforcement” brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

No cases were dismissed with the concurrence of the chair during this period: (The full text of the dismissal letters issued can be viewed at www.pdc.wa.gov. Click on “Compliance” and “Dismissal of Complaints.”)

Cases Referred To Attorney General For Further Action

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young: (Case has been closed, please see November 19, 2004-Memorandum for details)

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or

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filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees’ wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General’s Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General’s Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

Thurston County Superior Court Disposition: The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

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Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

Disposition: A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW

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42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff's findings and recommendation.

Disposition: On April 9, 2002, the matter was on the Commission's agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff's recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey's dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period¹ had passed after EFF's second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen's action lawsuit under RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

¹ RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen's action within ten days upon their failure to do so...”

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Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#03-080; Investigator: Kurt Young: (Case has been closed, please see November 19, 2004-Memorandum for details)

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

Disposition: This matter was presented as a report to the Commission on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.065, 42.17.080 and 42.17.090 by the Respondents for failing to timely report contribution and expenditure information for 2001 and 2002 activities supporting or opposing candidates and ballot propositions. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General's Office for appropriate action.

Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson's political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson's political committee totaling

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\$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

Disposition: An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

Mooney, Pat --Case #04-310; Investigator: Sally Parker: (Case has been closed, please see November 19, 2004-Memorandum for details)

Date Received: November 12, 2003

Date Started: November 13, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Investigation Complete

Summary: Two complaints were received, one from Michael Evans and one from Brian Wetcher, alleging that Pat Mooney, a candidate for the Port of Anacortes, received contributions and made expenditures in support of his candidacy in excess of the mini reporting option limits. In addition, a “45-day Citizen Action Letter” was filed by Mr. Wetcher with the Office of the Attorney General and the Skagit County Prosecutor’s Office against Pat Mooney alleging almost identical violations as those outlined in the PDC complaint.

Disposition: This matter was originally presented to the Commission at its February 24, 2004 Commission meeting as a report to the Commission. The Commission directed that an enforcement hearing be held, which was done at a special Commission meeting on March 10, 2004. The Commission found that there were multiple apparent violations by Pat Mooney of the PDC’s statutes and rules including RCW 42.17.040, RCW 42.17.080, RCW 42.17.090, WAC 390-16-105, and WAC 390-16-125. The Commission noted the statutes and rules regarding mini reporting limits, and further noted that Mr. Mooney exceeded those limits, and that Mr. Mooney was aware that he should have advised his opponent of the fact he exceeded the mini reporting limits, but did not.

The Commission observed that the expenditures and contributions by Mr. Mooney exceeded the mini reporting limits, that those expenditures and contributions upset the even playing field in the campaign, and could have affected the outcome of the election. The Commission determined that a referral to the Attorney General's Office of this matter was appropriate because the remedies that the Commission could impose statutorily were insufficient in

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considering the number and quality of the apparent violations, and their possible effect on the election. In lieu of entering Findings of Fact, Conclusions of Law, and an Order to impose a penalty or other relief, the Commission referred this matter to the Washington State Attorney General's Office, and requests the Attorney General's Office explore all remedies available, including the possibility of a court voiding the election.

Voters Education Committee--#05-027; Investigator: Phil Stutzman

Date Received: September 9, 2004

Date Started: September 9, 2004

Section of Law: RCW 42.17.040, .080, .090 & .120

Status: Investigation Complete

Summary: The Public Disclosure Commission staff became aware that on or about September 2, 2004, advertisements began to be broadcast on television stations around Washington State that were identified as being paid for by Voters Education Committee (VEC). The ads concerned Deborah Senn, a candidate for Attorney General, who was on the September 14, 2004 primary election ballot. The Voters Education Committee had filed as a Section 527 organization with the Internal Revenue Service listing its purpose as “a non-partician (sic), non-profit, non-discriminatory, political action committee which provides issue education.” PDC staff reviewed the advertisement, to determine whether the content of the advertisement constituted “issue advocacy” as claimed by VEC, or if it constituted “express advocacy” as contemplated by the Washington Supreme Court. PDC staff believed the advertisement, taken as a whole, represented an assault on Ms. Senn's character because the content went beyond taking issue with Ms. Senn's actions as Insurance Commissioner, and assailed her integrity and credibility. That activity made VEC and its agents a political committee under state law and required them to register and file detailed reports of contributions received and expenditures made with the Public Disclosure Commission.

Disposition: This matter was presented as a report to the Commission on September 25, 2004, at a special Commission meeting. The Commission found apparent violations by VEC of RCW 42.17.040 for failing to timely register as a political committee, 42.17.080 and 42.17.090 for failing to file detailed reports disclosing contribution and expenditure activities, and RCW 42.17.120 for concealing the amount and identity of the source(s) of their contributions and the amount and recipients of their expenditures. The Commission referred this matter to the Washington State Attorney General's Office for appropriate action,

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including seeking a court order compelling Voters Education Committee to file the disclosure reports required by RCW 42.17.040 through 42.17.090.

Part II

Active Investigations

Investigations In Progress

Benjamin, Richard; Peterson, Gary; Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for portion of issues)

Section of Law: RCW 42.17.120, .080, .090, .240

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie's complaint has been combined with Case #02-296.

In addition, Don Wasson was added as a Respondent and the issues concerning Mr. Wasson, as well as the issues concerning other Respondents named in the original complaint, have been handled through an enforcement hearing held March 25, 2003. (See Results of Enforcement Hearings on PDC Web page under Compliance.) The remaining issues deal with allegations of concealment (RCW 42.17.120) by Richard Benjamin and Gary Peterson, reporting issues (RCW 42.17.080 and .090) by Gary Peterson, and financial affairs reporting issues (RCW 42.17.240) by Gary Peterson.

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Disposition: Pending

Yes on Initiative 18 Committee-- Case #04-438; Investigator: Kurt Young

Date Received: February 13, 2004

Date Started: February 19, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Steve Williamson, Executive Secretary of the King County Labor Council, AFL-CIO alleging that the Yes on Initiative 18 Committee (Yes on I-18), a political committee supporting a local ballot proposition in King County, failed to file C-3 and C-4 reports of contribution and expenditure activities, and alleging that Yes on I-18 failed to disclose a \$20,000 payment to Tim Eyman in exchange for services he performed in support of the initiative efforts.

Disposition: Pending

Pierce County Officials (John Ladenburg and Pierce County Council Members) -- Case #04-440; Investigator: Kurt Young

Date Received: March 3, 2004

Date Started: March 3, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Three separate complaints were received from David Franta, Donald Veal, and Dale Washam, alleging that officials of Pierce County used the public resources and facilities of Pierce County to promote Proposition 1, a 2003 general election ballot proposition.

Disposition: Pending

TME Capital Group--Case #04-445; Investigator: Sally Parker

Date Received: April 5, 2004

Date Started: April 5, 2004

Section of Law: RCW 42.17.040, .080, .090, .105, 120,780

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by PDC Executive Director Vicki Rippie, after PDC staff noted, while assisting the Attorney General's Office following referral of Case No. 03-153 by the Commission to the Attorney General's office, that TME Capital Group, LLC (TME) and its investors (Elling Halvorson, Catherine Boshaw, Doug Edlund, John Taylor, Lon Halvorson, E. Kent Halvorson, Tim Teteak and David Chevalier) may have violated the

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following: 1) RCW 42.17.040 through 42.17.090 by failing to register and report as a political committee when TME and its investors raised and spent funds to support candidates; 2) RCW 42.17.105(8) by making contributions to another political committee exceeding \$5,000 with 21 days of the 2001 general election; 3) RCW 42.17.780 by reimbursing \$19,000 to Monarch Enterprises for contributions made to a political committee that supported candidates in the 2001 general election; and 4) RCW 42.17.120 by concealing the source of the contributions received and expenditures made to support Des Moines City Council candidates.

Disposition: Pending

Washington Breathe Alliance--Case #04-446; Investigator: Tony Perkins

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.200

Status: Under Investigation

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law.

Disposition: Pending

Goings, Calvin--Case #04-447; Investigator: Kurt Young

Date Received: April 2, 2004

Date Started: April 6, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint were received from Dale Washam a candidate for Pierce County Council, alleging that Pierce County Council member Calvin Goings, a candidate up for re-election to the Pierce County Council in 2004 used Pierce County resources and facilities to support his candidacy.

Disposition: Pending

Washington State Grange--Case #04-450; Investigator: Suemary Trobaugh

Date Received: April 21, 2004

Date Started: April 22, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Paul Berendt, Chair of the Washington State Democratic Central Committee (WSDCC), alleging that the Washington State Grange failed to report contribution and expenditure activities in support of a statewide ballot proposition.

Disposition: Pending

Hawe, William (Clallam County)--Case #04-452; Investigator: Kurt Young

Date Originally Received: October 21, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Soren Poulsen alleging that William Hawe, an incumbent Clallam County Sheriff and a candidate for re-election in 2002, used the facilities of Clallam County to support his candidacy for re-election.

Disposition: Pending

Stevens County Rural Library District (Officials) --Case #04-454; Investigator: Tony Perkins

Date Originally Received: January 21, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Three complaints were received from Stan Long, Arlene Sparks and Karen Frostad, alleging that officials from Stevens County Library District used the district facilities to support a local ballot proposition.

Disposition: Pending

Sound Transit (Officials)--Case #04-457; Investigator: Suemary Trobaugh

Date Originally Received: August 29, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Tim Eyman, alleging that officials of Sound Transit used the transit facilities to oppose a statewide initiative, Initiative #776.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Anderson, Frank (City of Everett)--Case #04-459; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Margaret Michele Hoverter alleging that Everett City Mayor Frank Anderson, a candidate up for re-election in 2003, used city facilities and resources to support his candidacy for public office.

Disposition: Pending

Koelker-Wheeler, Kathy--Case #04-531; Investigator: Sally Parker

Date Originally Received: August 28, 2003 (Investigation previously suspended-per injunction)

Date Started: May 14, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from former Renton Mayor Jesse Tanner, alleging that Kathy Koelker-Wheeler, an incumbent Renton City Council member and candidate for Renton Mayor in 2003, used Renton city facilities to promote her candidacy for public office.

Disposition: Pending

Bainbridge Island Fire Department Officials--04-532; Investigator: Kurt Young

Date Received: April 30, 2004

Date Started: May 13, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Ken Guy alleging that Bainbridge Island Fire Department Officials used fire department resources and facilities by distributing a flyer in support of a local May 18, 2004 ballot proposition.

Disposition: Pending

Green, Michael (Nine Mile Falls School District)--Case #04-534; Investigator: Tony Perkins

Date Received: May 19, 2004

Date Started: May 27, 2004

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Byrd and Lynn Stuter, alleging that Michael Green, Superintendent of Schools for Nine Mile Falls School District No. 325-179, used the facilities of the district to support passage of school district ballot propositions that were placed on the March 9 and May 18, 2004 ballots. The complainants alleged that brochures produced by the school district were promotional in nature.

Disposition: Pending

Snohomish Health District--Case #04-665; Investigator: Tony Perkins

Date Received: June 8, 2004

Date Started: June 23, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jim St. John alleging that officials of the Snohomish County Health District used county facilities to support a statewide ballot proposition, Initiative 890.

Disposition: Pending

Skamania County Republican Party-Case #04-666; Investigator: Sally Parker

Date Received: June 8, 2004

Date Started: June 23, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from James McKnight alleging that the Skamania County Republican Party failed to file C-3 and C-4 reports disclosing contribution and expenditure activities for several years.

Disposition: Pending

Vote Yes on Initiative 891—Case #04-709; Investigator: Kurt Young

Date Received: June 23, 2004

Date Started: June 30, 2004

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Charles Creso alleging that the Vote Yes on Initiative 891, a statewide ballot proposition committee failed to report debts, obligations or in-kind contributions for signature gathering efforts undertaken on behalf of Initiative 891.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Waadevig, Paul—Case #05-003; Investigator: Tony Perkins

Date Received: June 28, 2004

Date Started: July 9, 2004

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Lance Haun alleging that Paul Waadevig, a candidate for State Senator in the 17th Legislative District failed to report all of the contributions received on behalf of his candidacy.

Disposition: Pending

Lewis, Pete (Clarkston School District) --#05-004; Investigator: Kurt Young

Date Received: June 21, 2004

Date Started: July 13, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Fred Cook alleging that the Clarkston School District used school district facilities and resources to produce a publication that stated “Vote Yes” in support of the February 3, 2004 special levy election.

Disposition: Pending

DeVleming, Mike --#05-005; Investigator: Kurt Young

Date Received: July 1, 2004

Date Started: July 14, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sally Jackson alleging that Mike DeVleming, mayor of Spokane Valley used city facilities and email system to produce electronic messages in support of the Dino Rossi Campaign for Governor.

Disposition: Pending

Tanglewilde Park & Recreation District--#05-006--Investigator: Sally Parker

Date Received: July 2, 2004

Date Started: July 19, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Joan Price alleging that the Tanglewilde Park & Recreation District used public resources and facilities to produce and distribute information in support of a November 2003 Maintenance and Operation levy, and that the facilities are currently being used to support a 2004 ballot proposition.

Disposition: Pending

Seattle Monorail Project--#05-007--Investigator: Tony Perkins

Date Received: July 14, 2004

Date Started: July 19, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Glenn Amster alleging that the Seattle Monorail Project, a public agency used public funds and resources to prepare and file a lawsuit challenging the legality of a local ballot proposition, Initiative 83, in opposition to the ballot proposition.

Disposition: Pending

Everton, Wayne--#05-016--Investigator: Sally Parker

Date Received: August 16, 2004

Date Started: August 17, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Dan O'Donnell alleging that Wayne Everton, Mayor of LaConnor, used city facilities to support Dino Rossi's Campaign for Governor by allowing a city meeting room to be used for political purposes without charging a fee.

Disposition: Pending

Pearce, Richard--#05-017--Investigator: Sally Parker

Date Received: August 12, 2004

Date Started: August 20, 2004

Section of Law: RCW 42.17.080, .090 & .241

Status: Under Investigation

Summary: A complaint was received from Michael Brown alleging that Richard Pearce, an incumbent Moses Lake City Council member and a candidate for Moses City Council in the 2003 election cycle failed to file an accurate Personal Financial Affairs Statements (PDC Form F-1) for the period 1999 through 2003 (due in 2000 through 2004), and that the campaign disclosure reports filed by

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Richard Pearce during the 2003 election failed to include all C-3 and C-4 information as required.

Disposition: Pending

Chow, Teddy--#05-026; Investigator: Kurt Young

Date Received: August 30, 2004

Date Started: August 30, 2004

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Evan Sperline alleging that Teddy Chow, a candidate for Grant County Superior Court claimed he falsely represented he had the endorsement of an organization, when in fact he did not have that endorsement.

Disposition: Pending

Eyman, Tim & Related PAC's (Voters Want More Choices (VWMC); Just Treat Us the Same (JTUTS); and Help Us Help Taxpayers (HUHT) -- #05-066--Investigator: Sally Parker

Date Received: August 26, 2004

Date Started: September 10, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Steve Zemke, David Goldstein, and Andrew Villeneuve alleging that Voters Want More Choices (VWMC), a political committee in support of I-864, Help Us Help Taxpayers (HUHT), a political committee formed to provide compensation to Tim Eyman, Jack Fagan and Mike Fagan. The complaint also alleged those same individuals: 1) failed to report VWMC expenditures on behalf of HUHT; 2) improper reporting of in-kind donations to HUHT; and 3) failure to report expenditures on behalf of VWMC.

Disposition: Pending

Just Treat Us The Same -- #05-068--Investigator: Phil Stutzman

Date Received: August 26, 2004

Date Started: September 10, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Steve Zemke, David Goldstein, and Andrew Villeneuve alleging that Tim Eyman and Just Treat Us The Same, a

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

political committee in support of I-892, for failing to timely file C-4 reports disclosing contribution and expenditure activities.

Disposition: Pending

Davis, John—Case #05-069; Investigator: Tony Perkins

Date Received: September 3, 2004

Date Started: September 14, 2004

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Kevin Kemp alleging that John Davis, a candidate for State Senator in the 17th Legislative District failed to timely file C-4 reports disclosing contribution and expenditure activities.

Disposition: Pending

Waadevig, Paul—Case #05-070; Investigator: Tony Perkins

Date Received: September 3, 2004

Date Started: September 14, 2004

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Kevin Kemp alleging that Paul Waadevig, a candidate for State Senator in the 17th Legislative District failed to timely file C-4 reports disclosing contribution and expenditure activities.

Disposition: Pending

Community for Des Moines—Case #05-071; Investigator: Sally Parker

Date Received: September 7, 2004

Date Started: September 21, 2004

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was received from Richard Benjamin, an incumbent Des Moines City Councilmember, alleging that Community for Des Moines, a political committee registered in support of a September 14, 2004, local ballot proposition, sponsored political advertising that failed to contain the proper sponsor identification.

Disposition: Pending

Waadevig, Paul—Case #05-072; Investigator: Tony Perkins

Date Received: August 30, 2004

Date Started: September 21, 2004

Section of Law: RCW 42.17.790

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Status: Under Investigation

Summary: A complaint was received from William Schumacher, Chairman of the Cowlitz County Republican Central Committee alleging that Paul Waadevig, a Democratic candidate for State Senator in the 17th Legislative District, used campaign signs that were left over from a 2003 campaign for State Representative in the 19th Legislative District, in which he ran as a Republican, without obtaining permission of those 2003 contributors to his 19th Legislative District house campaign.

Disposition: Pending

Altick, Steve—Case #05-074; Investigator: Kurt Young

Date Received: September 1, 2004

Date Started: September 10, 2004

Section of Law: RCW 42.17.640

Status: Under Investigation

Summary: A complaint was received from John Meyers alleging that Steve Altick, a candidate for State Representative in the 47th Legislative District, received monetary and in-kind contributions from affiliated entities that exceeded the \$675 per election contribution limits for a legislative candidate.

Disposition: Pending

Castellar, Evelyn—Case #05-075; Investigator: Suemary Trobaugh

Date Received: September 22, 2004

Date Started: October 4, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Shari Coates alleging that Evelyn Castellar, a Federal Way School Board Member, used the facilities of the Federal Way School District to support Referendum #55, a statewide referendum dealing with charter schools, during a Federal Way School Board meeting.

Disposition: Pending

Rabideau, C.J. “Jim”—Case #05-076; Investigator: Tony Perkins

Date Received: September 27, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Rick Kent alleging that C. J. Rabideau, a candidate for Franklin County Commissioner, failed to file detailed

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

reports disclosing contribution and expenditure activities undertaken by his campaign.

Disposition: Pending

Oberquell, Diane—Case #05-077; Investigator: Suemary Trobaugh

Date Received: September 27, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from William Pilkey alleging that Diane Oberquell, an incumbent Thurston County Commission and a candidate for re-election, used the facilities of Thurston County to support her candidacy for re-election.

Disposition: Pending

Bock, Candice—Case #05-078; Investigator: Suemary Trobaugh

Date Received: September 28, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Dennis Haugen alleging that Candice Bock, Assistant City Manager for the City of Lakewood, used the facilities of the City of Lakewood to support a local ballot proposition.

Disposition: Pending

Sutherland, Doug—Case #05-079; Investigator: Sally Parker

Date Received: September 27, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.080, .090 & WAC 390-16-034

Status: Under Investigation

Summary: A complaint was received from Lisa McShane, Campaign Chair of Citizens Protecting Our Water and Forests, alleging that Doug Sutherland, the incumbent Public Lands Commissioner and a candidate for re-election, failed to disclose the occupation and employer information for individuals that contributed more than \$100 to his campaign, and that the campaign failed to report in-kind contributions for professional services provided to the campaign.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Smith, Michele—Case #05-080; Investigator: Tony Perkins

Date Received: September 29, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Shauna Ousse with the House Democratic Campaign Committee alleging that Michele Smith, a candidate for State Representative in the 25th Legislative District, failed to timely file reports of contribution and expenditure activities undertaken by her campaign.

Disposition: Pending

Cases Under Review

City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh

Date Received: January 30, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

Foote, Jr., H. M. -- Case #02-292; Investigator: Sally Parker

Date Received: April 1, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Under Review

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Foote, Jr., H. M. -- Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: Under Review

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. See Table of Contents for location of additional case summary information.

Disposition: Pending

Moran, Karen --Case #04-315; Investigator: Sally Parker

Date Received: November 10, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Scott Hamilton alleging that Karen Moran, a candidate for Sammamish City Council, failed to report telemarketing phone calls that were made in support of her candidacy.

Disposition: Pending

Raplee, Debra--Case #04-399; Investigator: Lori Anderson

Date Received: December 29, 2003

Date Started: January 5, 2004

Section of Law: RCW 42.17.530

Status: Investigation Complete (Portion of complaint remains Under Review)

Summary: Complaints were received from Todd Livingood and Leona Orr alleging that Debra Raplee, a candidate for Kent City Council, sponsored political advertising that contained false statements made against Leona Orr, an incumbent Kent City Councilperson. The complaint filed by Leona Orr included the same allegations as the complaint filed by Mr. Livingood as well as additional allegations. The complaint filed by Mr. Livingood was dismissed and a portion of the complaint filed by Ms. Orr was dismissed with the concurrence of the Chair.

A portion of the complaint by Ms. Orr remains under review. The following alleged false statements in political ads sponsored by Debra Raplee were dismissed: (1) *Leona Orr has welcomed a convicted sex offender to Kent;* (2)

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Leona Orr has put you and your children at risk by voting to allow sex offender housing in Kent; (3) Current council members ... laid off workers; and (4) Leona Orr ... Voted to raise all utility rates by another 1.2%. The following alleged false statements in political ads sponsored by Debra Raplee remain under review: (1) Leona Orr ... Voted to approve the Salary Commission and increase the mayor's salary by 25%; and (2) Leona Orr ... Voted to increase her salary along with other council members and judges.

Disposition: Pending

Kirsch, Greg (Chehalis School District)--Case #04-451; Investigator: Suemary Trobaugh

Date Originally Received: October 28, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from John Panesko alleging that officials of the Chehalis School District used district facilities to produce and distribute newsletters that featured and supported incumbent school board member Larry Gueck, a candidate up for re-election in 2003.

Disposition: Pending

Pierce County Fire District 13 (Officials) --Case #04-453; Investigator: Sally Parker

Date Originally Received: September 20, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from David J. Kovanen alleging that officials from Pierce County Fire District 13, used the fire district facilities to produce and distribute a letter addressed that supported a local ballot proposition, in response to information distributed by a private citizen in opposition to the local ballot proposition.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Cowlitz County Commissioners and Public Facilities District Officials --Case #04-455; Investigator: Suemary Trobaugh

Date Originally Received: March 17, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Steve Dragich alleging that Cowlitz County Commissioners and Public Facilities District Officials used the facilities of their respective public agencies to support a local ballot proposition.

Disposition: Pending

Knezovich, Ozzie (Spokane County)--Case #04-458; Investigator: Kurt Young

Date Originally Received: September 6, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Annette Remshard, alleging that Ozzie Knezovich, President of the Spokane County Sheriff's Association, used Spokane County facilities to produce and distribute a political advertisement that endorsed six candidates for the Spokane Valley City council on the 2002 ballot, by including the address and phone number of a county facility in the sponsor identification.

Disposition: Pending

Maleng, Norm (King County)--Case #04-460; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Ben Livingston alleging that King County King County Prosecutor Norm Maleng used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Reichart, Dave (King County)--Case #04-521; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Ben Livingston alleging that King County King Sheriff Dave Reichart used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending

Fields, Amy (Monroe School District)--Case #04-533; Investigator: Suemary Trobaugh

Date Received: May 13, 2004

Date Started: May 17, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Amy Fields, an employee of the Monroe School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Herbert, Ed (Ballard High School, Seattle School District)--Case #04-663; Investigator: Suemary Trobaugh

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Ed Herbert, an employee of Ballard High School in the Seattle School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

**Nusbaum, Dennis (Ballard High School, Seattle School District)--Case #04-664;
Investigator: Suemary Trobaugh**

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Dennis Nusbaum, an employee of Ballard High School in the Seattle School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

**Lamoreaux, Kathy (Battle Ground School District)--Case #05-002; Investigator:
Suemary Trobaugh**

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Eddie Dawson alleging that Kathy Lamoreaux, an employee of Battle Ground School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

**Cooper, Mike; Goldman, Peter; Washington State Democratic Central Committee--
#05-008--Investigator: Suemary Trobaugh**

Date Received: July 26, 2004

Date Started: July 27, 2004

Section of Law: RCW 42.17.135 & .640

Status: Under Review

Summary: A complaint was received from Todd Meyers alleging that Mike Cooper, a candidate for Public Lands Commissioner, received contributions from the Washington State Democratic Central Committee that were earmarked by Peter Goldman, the original source of the funds, to benefit the Mike Cooper for Lands Commissioner campaign, in excess of the contribution limits.

Disposition: Pending